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DEPARTMENT FOR EUR/WE - MCKNIGHT, ZERDECKI, AND G/TIP -  
AMB. CDEBACA, DONNELLY

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SUBJECT: SPAIN APPRECIATES USG OUTREACH REGARDING  
TRAFFICKING IN PERSONS

REF: A. MADRID 187  
[1](#)B. 08 MADRID 1337

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[1](#)1. (SBU) SUMMARY: Ambassador Luis CdeBaca, head of the Office to Monitor and Combat Trafficking in Persons (G/TIP), on October 7 held a DVC with GOS officials and Embassy Madrid staff in which he expressed his interest in maintaining open dialogue with Spain and outlined areas for prospective collaboration on combating TIP. Spanish officials outlined the GOS approach to combating TIP, provided an update on year-to-date efforts to implement their national plan to combat TIP for the purposes of sexual exploitation, and responded favorably to the Ambassador's calls for increased bilateral cooperation to combat TIP.

[1](#)2. (U) The GOS was represented by Trinidad Noguera, Immigration Adviser to First Vice President Maria Teresa Fernandez de la Vega; Isabel Valdecabres and Diego Blazquez, Advisors to Minister of Equality Bibiana Aido; Patricia Fernandez Olalla of the Prosecutor's Office for Foreign Affairs Issues; Jaime Rodriguez Suarez of the Organized Crime Intelligence Center (CICO); and Rodrigo Montero Sanchez of the Spanish National Police's (SNP's) Central Brigade on Immigration Networks. END SUMMARY.

//How Spain Approaches TIP//

[1](#)3. (SBU) In his opening statement, Ambassador CdeBaca stated that the USG's victim-centered approach focuses more on the human rights aspect of trafficking and the denial of basic freedoms and less on the transit flows of immigration. He emphasized that it was more important to focus on the condition of servitude for both sex and labor trafficking cases, rather than emphasizing the differences between sexual and labor exploitation. He also expressed his interest in the process by which potential TIP victims are identified in Spain, how TIP victims were treated during the critical first few weeks of identification, how TIP data was collected, and problems in tracking judicial statistics on TIP cases due to traffickers sometimes being tried for other offenses.

[1](#)4. (SBU) Noguera stated that Spain's approach to TIP is similar to the USG, stressing that the Zapatero Administration believes that TIP is an attack on human rights. She said that the GOS is convinced that a comprehensive approach is necessary to combat TIP and added that the GOS believes that any kind of trafficking is a kind of slavery. She summarized the GOS position by stating that when women are at risk, society is at risk. She added that building public awareness is key to combating TIP.

15. (SBU) Blazquez observed that 80 percent of TIP victims in Spain are trafficked for sexual exploitation. He reviewed Spain's efforts to combat this activity through its December 2008 National Plan to combat TIP for the purposes of sexual exploitation (see Ref A), which he noted was part of a broader national plan on human rights (Ref B). He also added that during the drafting of the anti-TIP plan the GOS met with and sought the input of NGOs and civic groups. Meanwhile, the GOS is working on a second plan to fight TIP for the purposes of labor exploitation; the draft currently is at the inter-ministerial level.

//Spain's Year-To-Date Efforts to Implement its Anti-TIP Plan//

16. (SBU) Blazquez explained that Spain's plan to combat TIP for the purposes of sexual exploitation has a 2009 budget of 44 million euros (roughly USD \$65 million), with the bulk allotted to the Ministry of Interior. GOS officials also indicated that there is a new program, budgeted at 2 million euros (roughly USD \$3 million) to finance civil society and NGOs' efforts to protect TIP victims. As part of this effort, the GOS is working on the development of three separate protocols on coordination between health services and law enforcement; the security forces' relationship toward social services; and the social services relationship toward security forces (to guarantee the security of the victims and the NGO's). CICO is developing a joint database that combines TIP-related data generated by both the SNP and the Civil Guard to enable CICO to produce more comprehensive reports on TIP. Eventually data from Spain's autonomous police forces also will be included in this database. (Comment: Spain's Basque Region and Catalonia have their own police forces. End Comment.) Montero remarked that the SNP is increasing its number of TIP investigation teams in cities

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throughout Spain and that every police station has a TIP specialist. He added that - compared to five years ago - the SNP is now better trained on TIP issues. On the diplomatic front, the GOS is offering special courses for its diplomats and consular officers to recognize and identify TIP victims.

17. (SBU) As part of its implementation of the anti-TIP plan, the GOS is drafting amendments to the Spanish Criminal Code and the Alien Law, to explicitly define trafficking as a crime separate and distinct from smuggling. According to Fernandez, every province in Spain has a special prosecutor on TIP issues. However, because smuggling and trafficking in persons currently are registered under the same criminal code number in Spain, it is difficult to track statistics that are trafficking-specific. She noted that TIP cases had traditionally been treated as an "aggravated form of smuggling." Thus, law enforcement statistics as reported in the narrative for Spain in the 2009 TIP Report are likely conflated with smuggling and other trafficking-related data. The Criminal Code is being revised to separate the two crimes, and the problem should eventually be solved, but as of now, only labor exploitation and coercion are considered crimes in the Spanish Criminal Code. Fernandez further pointed out that if the TIP victim is from an EU member state - such as Romania, a leading source of TIP victims in Spain - and coercion is not involved, there is no way that pimps or organized crime networks can be prosecuted for "smuggling of people." Similarly, Spain was unable to prosecute a domestic case of internal trafficking involving 13 victims that were mentioned in the UNODC's 2009 Report on Trafficking in Persons. Domestic cases of internal trafficking cannot be prosecuted under the current Spanish criminal code. To help address the lack of information about the number of TIP convictions in Spain, the Ministry of Justice plans to conduct a comparative study to cross reference the number of police reports on TIP with the number of convictions.

//Prospective Areas for Collaboration//

¶8. (SBU) Pointing to the October 13 meeting at the White House between Presidents Obama and Zapatero as a sign of increasingly closer bilateral ties and acknowledging the importance that both leaders attach to combating TIP, CdeBaca said the USG was enthusiastic about cooperating with the GOS, especially during Spain's EU presidency and framed the USG's interest in collaborating with the GOS on combating TIP as part of Secretary Clinton's initiative to emphasize the role of Partnerships as a key pillar in the fight against trafficking. He offered to pass on relevant U.S. legislation on trafficking that Spanish officials may think would be useful to study. Citing his previous field experience as a former prosecutor on TIP cases with the U.S. Department of Justice, CdeBaca offered to provide a technical review of current Spanish draft amendments/legislation on trafficking.

¶9. (SBU) CdeBaca also proposed that a partnership could be forged to coordinate developmental aid to third countries in order not to waste or duplicate efforts as both countries pursue the same objectives. He suggested that Spain and the USG in 2010 could coordinate the funding of NGO programs whereby one country could support one part of the program (such as working with a Church) and the other a different aspect (such as police training). CdeBaca indicated this was an idea to follow-up on when the new Ambassador to Spain arrives at Post. Noguera indicated that the GOS would be agreeable to discussing areas of prospective cooperation.

¶10. (SBU) COMMENT: This DVC was an important event to illustrate to the GOS the importance that the USG places on combating TIP. Post wishes to thank Ambassador CdeBaca and the G/TIP Office for their availability to participate in the DVC. END COMMENT.

¶11. (U) Ambassador CdeBaca has cleared this cable.  
CHACON